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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,577	01/23/2001	Norio Nagai	0905-0254P-SP	2339

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EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/10/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/766,577

Applicant(s)

NAGAI, NORIO

Examiner

Justin P Misleh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 2** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima in view of Wheeler et al.

4. For **Claims 1 and 2**, Ejima discloses, as shown in figures 1, 3, and 9A and as stated in columns 2 (lines 50 – 58, 66, and 67), 3 (line 1), 4 (lines 57 – 63), 7 (lines 7 – 13 and 48 – 52), 8 (lines 18 – 20), and 9 (lines 15 – 53), an image sensing apparatus (electronic camera 1; shown in figure 1) and a method of operating thereof comprising:

an image sensing device (CCD 20; shown in figure 3) for sensing the image of a subject (see figure 9A) and outputting image data representing the image of the subject (output to A/D 32; see figure 4);

a display control unit (LCD 6 and touch tablet 6A) for controlling a display unit (LCD 6 and touch tablet 6A) in such a manner that the image of the subject represented by the image data

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output from said image sensing device (CCD 20) will be displayed on a display screen (LCD 6 and touch tablet 6A; see figure 9A);

a designating unit (CPU 36, touch tablet 6A, and PEN 46) for designating an electronic zoom area (see figure 9B) in the image of the subject displayed on the display screen (LCD 6 and touch tablet 6A; see column 9, lines 43 – 53);

a light-emission control unit (strobe driving circuit 41 and strobe 4) for controlling a strobe light emission device (strobe 4) in such a manner that all of the subject that corresponds to an image is illuminated with strobe light (see column 2, lines 50 – 58, and column 7, lines 7 – 13); and

a recording control unit (CPU control bus 49 and memory card 24) for recording; on a recording medium (memory card 24), image data output from said image sensing device (CCD 20) and data indicating position of the electronic zoom area (as clearly described by Ejima, the line drawing data indicates position) or image data representing the image within the electronic zoom area (see column 7, lines 47 – 52, and column 8, line 18 – 20).

As stated above, Ejima discloses a light-emission control unit for controlling a strobe light emission device in such a manner that all of the subject that corresponds to an image, within a possible electronic zoom area, is illuminated with strobe light; however, Ejima does not disclose wherein only a part of the subject that corresponds to an image within a zoom area is illuminated with strobe light.

On the other hand, Wheeler et al. also disclose a camera with a zoom function and a strobe light emission device. More specifically, Wheeler et al. disclose the details of operation between the strobe light emission device and the zoom function. Wheeler et al. states in columns

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2 (lines 64 – 68) and 3 (lines 1 – 9), “We provide a camera with an electronic flash system in which the flash angle-of-illumination (i.e. flash spread or beam width) is based on subject distance, as automatically determined by a rangefinding system in the camera. To attain this, the present invention contemplates a unique electronic flash system having an actuator coupled to the camera rangefinding system for automatically varying the angle-of-illumination of the flash. Our inventive camera also uses exposure information, specifically ambient light level, to determine whether flash illumination should be used at all, i.e. whether flash illumination is expected to actually improve the lighting contrast levels in the scene being photographed or not.” Furthermore, Wheeler et al. teach, in reference to figure 10, “In response to detected changes in camera-to-subject distance, microprocessor control circuit 110, through drive circuits 120, slides lens-diffuser 88 towards flash tube 91 for close-up exposures or away from flash tube 91 for telephoto exposures.” Thus, Wheeler et al. teach a light-emission control unit (see figure 10) for controlling a strobe light emission device in such a manner that a part of the subject that corresponds to an image within a zoom area is illuminated with strobe light.

As stated in Wheeler et al. (column 3, lines 19 – 31), at the time the invention was made, one with ordinary skill in the art would have been motivated to include a light-emission control unit for controlling a strobe light emission device in such a manner that a part of the subject that corresponds to an image within a zoom area is illuminated with strobe light, as taught by Wheeler et al., in the image sensing apparatus with a light-emission control unit, of Ejima, as a means for improving lighting uniformity, providing inexpensive exposure control, and improving a photofinishing yield in one simple operation. Therefore, at the time the inventions was made, it would have been obvious to one with ordinary skill in the art to include a light-emission

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control unit for controlling a strobe light emission device in such a manner that a part of the subject that corresponds to an image within a zoom area is illuminated with strobe light, as taught by Wheeler et al., in the image sensing apparatus with a light-emission control unit, of Ejima.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A brief description of the prior art made of record is as follows:

- Sakaegi discloses an image sensing apparatus featuring an image sensing device and an electronic zoom area designation switch.
- Onda, Kawabe et al., and Ueda each disclose a camera featuring a light-emitting strobe unit that varies the angle of illumination of the strobe so as to correspond with the camera-subject of the zoom lens.

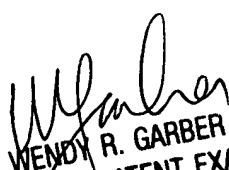
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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM  
May 3, 2004

  
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